

**From:** Dane Jackson  
**To:** Microsoft ATR  
**Date:** 1/25/02 10:04pm  
**Subject:** Microsoft Settlement

Do we really need another toothless consent decree? In fact that would be bad enough, but the current settlement is actively harmful. It basically legitimizes many harmful practices of Microsoft.

One of my personal favorites would have to be the part of the settlement that allows Microsoft to exclude documentation of anything relating to security (which any security expert will tell you is the exact wrong way to go about security [1]). With Microsofts recent announcement that they are now (after 20 years) finally really focusing on security, they can now exclude anything they want by claiming "it's for security".

Am I mistaken? I thought Microsoft was found to be a monopoly that has abused it's power. The punishment for actions has nothing to do with how much time has passed, or whether the market is the same or different. The remedy needs to contain effective measures that will allow competition to re-emerge in the computer software market. [2]

I think there are many things that could be done to help re-establish competition and innovation.

Quoting from Dennis Powell ( [dennispowell@earthlink.net](mailto:dennispowell@earthlink.net) ) in his article "Speak Now or Ever After . . . Regret Your Silence"

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A just penalty, I continue, would at barest minimum include three additional features:

- \* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

- \* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

\* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

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In addition to these I feel that Microsoft should not be allowed to buy other companies or technologies from other companies. Microsoft very loudly proclaims to have innovated extensively, and yet when you look, nearly every successful recent product has been bought from somewhere else. Let them compete against other companies on a fair level.

Microsoft should be fined their cash reserves. No other company keeps such a large cash reserve. It would seem this is partly a tax avoidance mechanism[3], and partly to have a lot of cash on hand to facilitate take-over of other industries of companies. [4] Why should a criminal be allowed to keep their ill gotten gains?

[1] It is called "security through obscurity". Most security experts refer to it as this with derision.

[2] I remember a time when I had a choice in office suites. A time when I could buy an x86 computer without a Microsoft OS on it.

[3] The income from dividends is taxed differently than income from stock gains. <http://www.cptech.org/ms/rn2bg20020104dividend.html>

[4] For an example of this, see Microsoft's selling of the X-Box at a loss to break into the game console market. Why can they do this? Because they have huge cash reserves from their illegal actions.

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Profanity is the one language all programmers know best.